

CHIRON CORPORATION, Plaintiff, vs. ABBOTT LABORATORIES,
Defendant.

No. C-93-4380 MHP

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

1996 U.S. Dist. LEXIS 4802

March 25, 1996, Decided
March 25, 1996, FILED

SUBSEQUENT HISTORY: [*1] As Amended April 23, 1996.

DISPOSITION: Abbott's motion for summary judgment is DENIED. Chiron's motion for summary judgment is GRANTED.

COUNSEL: For CHIRON CORP., Plaintiff: Harold J. McElhinny, Michael A. Jacobs, Morrison & Foerster, San Francisco, CA.

For ABBOTT LABORATORIES, defendant: Curtis E.A. Karnow, Stephen C. Lewis, Landels Ripley & Diamond LLP, San Francisco, CA.

JUDGES: MARILYN HALL PATEL, United States District Judge. Magistrate Judge Owen E. Woodruff

OPINIONBY: MARILYN HALL PATEL

OPINION: AMENDED MEMORANDUM AND ORDER RE DEFENSE OF ENABLEMENT
n1

-----Footnotes-----

n1 This order is amended to delete endnote 8 and reference to Enzo Biochem, Inc. v. Calgene, Inc., No. 93-110-JJF, 1996 U.S. Dist. LEXIS 1122 (D. Del. Feb. 2, 1996).

-----End Footnotes-----

Plaintiff Chiron Corporation ("Chiron") brought this action against defendant